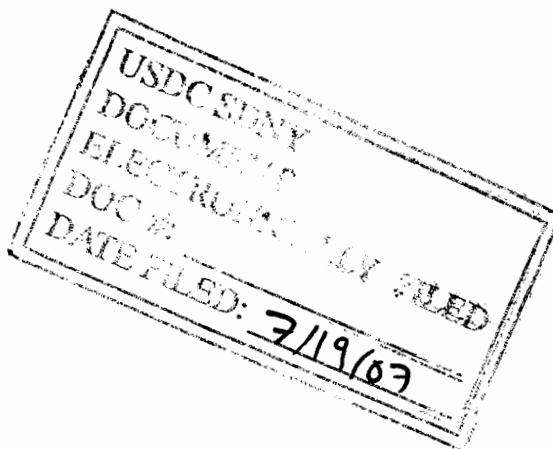


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BATTIST

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: WENDY H. WASZMER
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-2729
Fax: (212) 637-2717



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUAN BERROA and JESSYCA BERROA,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,
OLIVE SPENCER,
and ALEXANDER NAVARRO,

Defendants.

ECF CASE

07 Civ. 3521 (DAB)

STIPULATION AND ORDER

WHEREAS on or about May 2, 2007, plaintiffs Juan Berroa and Jessyca Berroa ("plaintiffs") commenced this action ("the Action") against the United States of America ("the United States"), Olive Spencer, and Alexander Navarro;

WHEREAS Olive Spencer is a fictitious name used by the Drug Enforcement Agency ("DEA") to register an official government vehicle;

WHEREAS Alexander Navarro is an employee of the DEA;

WHEREAS plaintiffs assert claims of negligence under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 1346, against the United States against Alexander Navarro for actions in the course of his employment arising from a motor vehicle accident on December 1, 2004;

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs and the United States, by their respective counsel as follows:

1. The United States is the only proper defendant for claims of negligence brought pursuant to the FTCA, 28 U.S.C. § 2679(b)(1).
2. The Action against Olive Spencer and Alexander Navarro is dismissed with prejudice.

Dated: New York, New York
July 5, 2007


MARK J. LINDER, ESQ.
Attorney for Plaintiff

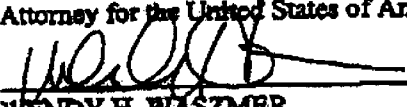
By:

MARK J. LINDER, ESQ.
Attorney for Plaintiffs
Harmon, Linder and Rogowsky
42 Broadway, Suite 1227
New York, New York, 10004
Telephone: (212) 732-3665
Facsimile: (212) 732-1462

Dated: New York, New York
July 5, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the United States of America

By:


WENDY H. WASZMER
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2729
Facsimile: (212) 637-2717

SO ORDERED:


DEBORAH A. BATTS 7/18/07
UNITED STATES DISTRICT JUDGE

- 2 -

TOTAL P.03